



REPUBLIC OF THE PHILIPPINES
City of San Juan
METRO MANILA
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OFFICE OF THE SANGGUNIANG PANLUNGSOD
CITY ORDINANCE NO. 17
Series of 2020

AN ORDINANCE MANDATING THE STRICT IMPLEMENTATION OF CURFEW HOURS FROM 8:00 O'CLOCK IN THE EVENING TO 5:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY, STARTING MARCH 15, 2020 PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY DUE TO COVID-19

Sponsored by: The Committee on Public Order, Safety and Illegal Drugs
(Councilors Raissa H. Laurel-Subijano, Kit R. Peralta & Victor Jose L. Reyes)
and co-sponsored by: Councilors Arthur Alfredo E. Aquino, Paul Anthony D. Artadi,
Rolando M. Bernardo, Bea Celine D. De Guzman, Jannah A. Ejercito,
Mary Joy A. Ibuna-Leoy, Vincent Rainier M. Pacheco, Franchesco Paul R. Velasco,
Herbert O. Chua and Ariel I. Atad

WHEREAS, Article II, Section 15 of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of the Local Government Code states that it is the duty of every Local Government Unit to promote the health and safety of the people within its territorial jurisdiction, and the public in general;

WHEREAS, the World Health Organization (WHO) has already declared COVID-19 as a global pandemic with the virus having spread globally and infecting hundreds of thousands of people worldwide with the number increasing constantly;

WHEREAS, on March 8, 2020, President Rodrigo R. Duterte placed the country under a State of Public Health Emergency through Proclamation No. 922 in the light of the outbreak and consequent local transmission of COVID-19;

WHEREAS, President Rodrigo R. Duterte placed the National Capital Region (NCR) under community quarantine on the strength of the recommendation of the Inter-Agency Task Force for the Management of Emerging Infectious Disease through its Resolution No. 11 (Series of 2020);

WHEREAS, as of March 15, 2020, there are already one hundred forty (140) confirmed cases of COVID-19 in the country. The City of San Juan accounted for fifteen (15) of the confirmed cases of COVID-19;

WHEREAS, in order to implement the order of President Rodrigo R. Duterte to adopt certain measures reinforcing social distancing and community quarantine, the Metro Manila Council adopted several Resolutions dated March 14, 2020 urging all Local Government Units of the NCR to issue an ordinance declaring city-wide curfew due to COVID-19;

WHEREAS, by virtue of RA 11332, An Act Providing Policies and Prescribing Procedures on Surveillance and Response to Notifiable Diseases, Epidemics, and Health Concern, and Appropriating Funds Thereof, repealing for the Purpose Act No. 3573, the President issued Presidential Proclamation No. 922;

WHEREAS, by virtue of RA 11332 and Presidential Proclamation No. 922 which capacitated the Local Government Unit to immediately act to prevent loss of life, utilize appropriate resources to implement urgent and critical measures to contain or prevent the spread of COVID-19, mitigate its effects and impact to the community, and prevent serious disruption of the functioning of the government and the community.

WHEREAS, by virtue of RA 11332 and Presidential Proclamation 922, this Council is issuing this ordinance adopting the resolution of the Metro Manila Council and imposing a curfew between 8:00pm to 5:00am against minors and adults, subject to a few exceptions, to help combat the spread of the virus;

WHEREAS, this curfew shall cover all persons within the territorial jurisdiction of San Juan city.

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WHEREAS, Joint Resolution No. 11 and Memorandum from the Executive Secretary on Stringent Social Distancing Measures and Further Guidelines for the Management of the Coronavirus Disease 2019 (Covid-19) Situation provide for the suspension of classes as a strict measure to stop the spread of Covid-19 for children to stay at home and not to loiter, hang out, or socialize in person

NOW, THEREFORE, BE IT ORDAINED as it is hereby ordained by the Sangguniang Panlungsod of the City of San Juan, in a special session duly called and assembled, that:

SECTION 1. TITLE - This Ordinance shall be known as the "Curfew Hours for in the City of San Juan due to COVID-19."

SECTION 2. DEFINITION OF TERMS - As used in this Ordinance, the following words and phrases shall mean:

a. Public Places - refer to places where the general public, or a substantial group of people, have access including but not limited to, streets, highways, sidewalks, alleys, parking lots, vacant lots, parks and the common areas in the vicinity of churches, apartment buildings, office buildings, hospitals, schools, shops, and other similar places or establishments;

b. Child - refers to a person under eighteen (18) years of age;

c. Curfew Hours - means hours prohibiting the public to remain or stay in public places without legal or justifiable reason from 8:00 o'clock in the evening to 5:00 o'clock in the morning of the following day;

d. Law Enforcement Officer - refers to person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including the traffic enforcers and barangay tanods and any other government employee or official authorized by the City Mayor.

e. Parents - shall mean any of the following: biological parents, adoptive parents or individuals who have custody of the child.

f. Guardian- shall mean: 1) A person who under court order is the guardian of the person of a minor; 2) A public or private agency with whom minor has been placed for custody by a court; 3) A person in charge of the custody or who is taking care of a minor whether relative or not; and 4) A person at least 18 years of age and authorize by a parent or guard to accompany a minor in a public place or to have the care and custody over him or her.

i. Residence - means the house or home where the child and his/parents or guardian actually reside.

SECTION 3. PROHIBITED ACTS – It shall be unlawful for the public to loiter, wander, stroll, play or to remain or stay in public places within the territorial jurisdiction of the City of San Juan without legal or justifiable reason from 8:00 o'clock in the evening to 5:00 o'clock in the morning of the following day, daily, unless falling under herein exceptions.

It shall also be unlawful for any parent or guardian of a child to knowingly permit or negligently allow the child to remain in any public place within the City of San Juan during curfew hours. Parents and guardians of minors are expected to keep their minor children from leaving their home.

Minors are strictly prohibited from leaving their homes at any time of the day, except for justifiable reasons, and in such cases, they shall be accompanied at all times by their parents or guardians.

SECTION 4. NO PENALTY IMPOSED ON CHILDREN - No penalty shall be imposed on children for violation of the curfew hours ordinance. However, they shall be apprehended and instead be brought to their residence or to any barangay official at the barangay hall to be released to the custody of their parents.

SECTION 5. PROSECUTION UNDER RA 11332 – Any person violating the curfew hours under this ordinance shall be referred to the authorities for prosecution pursuant to the provision of Section 9 (d) and (e) of Republic Act No. 11332, which provides as follows:

Section 9. Prohibited Acts. -The following shall be prohibited under this Act:

(d) Non-cooperation of persons and entities that should report and/or respond to notifiable diseases or health events of public concern; and

(e) Non-cooperation of the person or entities identified as having the notifiable disease, or affected by the health event of public concern.

SECTION 6. EXEMPTIONS - The following acts or occasions shall be exempted from the implementation of this Ordinance:

- a. Health Workers and frontline personnel in the performance of their functions;
- b. On-duty Police, military personnel and other law enforcers;
- c. City employees providing services to the people of San Juan City;
- d. On-duty public and private employees, and are returning home from work, without detour or stop, provided that they show certifications from their employers depicting their office/duty hours;
- e. Those who provide public transport services (bus, tricycles, jeepney drivers) subject to rules provided by the Traffic and Parking Management Office and the Public Order and Safety Office and officials duly authorized by the City Mayor;
- f. Those who provide delivery services for basic necessities such as food, medicines, etc.;
- g. Any person involved in an emergency situation, such as unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term also includes, but is not limited to, fires, calamities, disasters, automobile accidents, or other similar circumstances; and
- h. Any government employee, official while in the performance of their duties and responsibilities as duly authorized by the Local Chief Executive

SECTION 7. NON-RESIDENT OFFENDER – This Ordinance shall also cover non-resident offenders.

SECTION 8. CONCERNED CITIZEN PARTICIPATION - Any person who has personal knowledge of the presence of any person during curfew hours in any public places, may call the attention of any law enforcement officer or report the same to the barangay or police station for appropriate action.

SECTION 9. INSTALLATION OF ALARMS OR SIRENS IN ALL BARANGAY - All barangays are hereby enjoined to install or use in their respective territorial jurisdictions sufficient number of functional and loud alarms or sirens before the start of curfew hours.

SECTION 10. IMPLEMENTATION. The implementation of this ordinance shall continue to be in force and effect until lifted or revoked by the City Council upon the recommendation of the City Mayor.

SECTION 11. SEPARABILITY CLAUSE - If, for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid by a competent court, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.

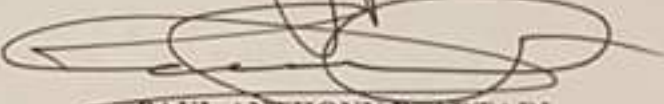
SECTION 12. REPEALING CLAUSE - All Ordinances is hereby repealed or amended accordingly including all ordinances, resolutions, rules or regulations inconsistent with or contrary to the provisions of this Ordinance.

SECTION 13. EFFECTIVITY - This Ordinance shall take effect immediately.

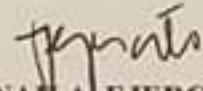

ARIELA A. ATAD
City Councilor


HERBERT O. CHUA
City Councilor

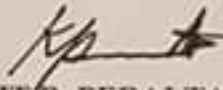

ARTHUR ALFREDO E. AQUINO
City Councilor


PAUL ANTHONY D. ARTADI
City Councilor

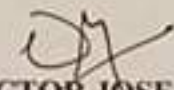

BEA CELINE D. DE GUZMAN
City Councilor

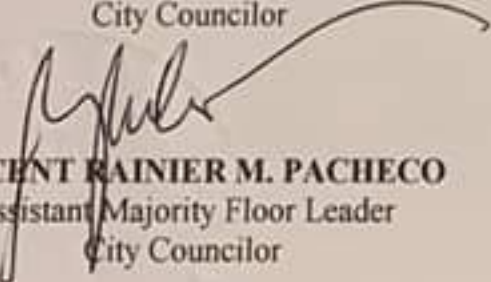

JANNAH AL EJERCITO
City Councilor


FRANCHESCO PAUL R. VELASCO
City Councilor


KIT R. PERALTA
Sergeant-at-Arms
City Councilor

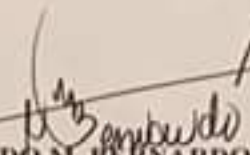

MARY JOY A. IBUNA-LEOY
Assistant Minority Floor Leader
City Councilor


VICTOR JOSE L. REYES
Minority Floor Leader
City Councilor


VINCENT RAINIER M. PACHECO
Assistant Majority Floor Leader
City Councilor


RAISSA H. LAUREL-SUBLIANO
Majority Floor Leader
City Councilor

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ROLANDO M. BERNARDO
President Pro-Tempore
City Councilor

I HEREBY CERTIFY THAT THIS ORDINANCE
HAS BEEN DULY APPROVED BY THE
SANGGUNIANG PANLUNGSOD ON MARCH 15, 2020.


RIA R. ESTRELLA-PADILLA
City Government Department Head II
Secretary, Sangguniang Panlungsod

ATTESTED:


JOSE WARREN P. VILLA
Presiding Officer
City Vice-Mayor

APPROVED:


FRANCISCO JAVIER M. ZAMORA
City Mayor